

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

ROBERT JONES,	:	
	:	
Plaintiff,	:	Civ. No. 15-6359 (RBK) (KMW)
	:	
v.	:	
	:	
UNITED STATES,	:	MEMORANDUM AND ORDER
	:	
Defendant.	:	
	:	

Plaintiff is a federal prisoner currently incarcerated at F.C.I. Fort Dix, in Fort Dix, New Jersey. He is proceeding *pro se* with a complaint against the United States under the Federal Tort Claims Act alleging negligence and medical malpractice.

Previously, this matter was administratively terminated as plaintiff had not paid the filing fee nor had he submitted a complete application to proceed *in forma pauperis*. Subsequently, plaintiff filed a complete application to proceed *in forma pauperis* such that the Clerk will be ordered to reopen this case. Plaintiff's application to proceed *in forma pauperis* will be granted and the Clerk will be ordered to file the complaint.

At this time, this Court must screen the complaint pursuant to 28 U.S.C. §§ 1915(e)(2)B and 1915A to determine whether it should be dismissed as frivolous or malicious, for failure to state a claim upon which relief may be granted or because it seeks monetary relief from a defendant who is immune from suit. Upon completing this screening, this Court will permit plaintiff's complaint filed pursuant to the Federal Tort Claims Act to proceed against the United States.

Accordingly, IT IS this 2nd day of December, 2015,

ORDERED that the Clerk shall reopen this case; and it is further

ORDERED that plaintiff's application to proceed *in forma pauperis* is granted; and it is further

ORDERED that the Clerk shall file the complaint without prepayment of the filing fee; and it is further

ORDERED pursuant to 28 U.S.C. § 1915(B) that the Clerk shall serve a copy of this Order by regular U.S mail on the United States Attorney for the District of New Jersey and on the warden for F.C.I. Fort Dix in Fort Dix, New Jersey; and it is further

ORDERED that plaintiff is assessed a filing fee of \$350.00 which shall be deducted from his prison account pursuant to 28 U.S.C. § 1915(b)(2) in the manner set forth below, regardless of the outcome of the litigation; and it is further

ORDERED pursuant to 28 U.S.C. § 1915(b)(1)(A) that plaintiff is assessed an initial partial filing fee equal to 20 % of the average monthly deposits to the plaintiff's prison account for the six-month period immediately preceding the filing of the complaint, when funds exist, the Federal Bureau of Prisons shall deduct said initial fee from plaintiff's prison account and forward it to the Clerk; and it is further

ORDERED pursuant to 28 U.S.C. § 1915(b)(2) that until the \$350.00 filing fee is paid, each subsequent month that the amount in plaintiff's prison account exceeds \$10.00, the Federal Bureau of Prisons shall assess, deduct from plaintiff's prison account, and forward to the Clerk payments equal to 20 % of the preceding month's income credited to plaintiff's prison account, which each payment reflecting the docket number of this action; and it is further

ORDERED that the complaint shall be permitted to proceed past screening as to defendant the United States; and it is further

ORDERED pursuant to 28 U.S.C. § 1915(d) that the Clerk shall issue a summons and the U.S. Marshal shall serve the summons, a copy of the complaint and this Order on defendant the United States, with all costs of service advanced by the United States; and it is further

ORDERED that defendant the United States shall file and serve a responsive pleading within the time specified by Federal Rule of Civil Procedure 12; and it is further ORDERED that the Clerk shall serve this Order on plaintiff by regular U.S. mail.

s/Robert B. Kugler
ROBERT B. KUGLER
United States District Judge